

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verify believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: VARIANTS OF HIMANIZED ANTI-CARCINOMA MONOCI ONAL ANTIBODY CC49

HUMANIZED ANTI-CARCINON	MA MONOCLONAL ANTIBO	ODY CC49	
		nded on (if applicable) (in the cas d 29 October 1999 and as amended c	se of a PCT-filed application) on (if any), which I have reviewed
I hereby state that I have reviewed any amendment referred to above.	and understand the contents of	f the above-identified specification,	including the claims, as amended by
	so identified below any foreig		application(s) for patent or inventor's certificate having a filing date before
a. ☐ no such applications have be b. ☒ such applications have been			_
FOR	EIGN APPLICATION(S), IF ANY,	CLAIMING PRIORITY UNDER 35 USC	§ 119
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FORE	IGN APPLICATION(S), IF ANY, I	FILED BEFORE THE PRIORITY APPLI	ICATION(S)
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/106534	31 October 1998
60/106757	02 November 1998

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

09830748 043001

I hereby appoint the following attorney(s, and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

441 1 T 1 337	D N - 40 401	Lagrand Christophan I	Reg. No. 41,940
Albrecht, John W.	Reg. No. 40,481	Leonard, Christopher J.	Reg. No. 40,066
Ali, M. Jeffer	Reg. No. 46,359	Liepa, Mara E.	_
Anderson, Gregg I.	Reg. No. 28,828	Lindquist, Timothy A.	Reg. No. 40,701
Batzli, Brian H.	Reg. No. 32,960	Lycke, Lawrence E.	Reg. No. 38,540
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Berns, John M.	Reg. No. 43,496	McDonald, Daniel W.	Reg. No. 32,044
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Harrison, Kevin C.	Reg. No. 46,759	Tunheim, Marcia A	Reg. No. 42,189
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	Reg. No. 31,535	Withers, James D.	Reg. No. 40,376
Kowalchyk, Alan W. Kowalchyk, Katherine M.	Reg. No. 36,848	Witt, Jonelle	Reg. No. 41,980
Lacy, Paul E.	Reg. No. 38,946	Wu, Tong	Reg. No. 43,361
	Reg. No. 40,443	Xu, Min S.	Reg. No. 39,536
Larson, James A. Leon, Andrew J.	Reg. No. 46,869	Zeuli, Anthony R.	Reg. No. 45,255
Leon, Andrew J.	Reg. 110. 70,009	Zoun, rinnony ic.	1105.110.10,200

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.



Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name KASHMIRI	First Given Name Syed		Second Given Name V.S.
0	Residence & Citizenship	City Gaithersburg	State or Foreign Country Maryland MD		Country of Citizenship United States
1	Mailing Address	Address 11541 Brandy Hall Lane	City Gaithersburg		State & Zip Code/Country Maryland 20878 / United States
Sign	ature of Inventor 2	<u> </u>		Date:	4-17-01
\times \triangleright_2	Full Name Of Inventor	Family Name PADLAN	First Given Name Eduardo		Second Given Name A.
0	Residence & Citizenship	City Kensington	State or Foreign Country Maryland		Country of Citizenship United States
2	Mailing Address	Address 4006 Simms Drive	City Kensington		State & Zip Code/Country Maryland 20895 / United States
Sign	ature of Inventor 2	02: Em A. Par:		Date:	117/01
22	Full Name Of Inventor	Family Name SCHLOM	First Given Name Jeffrey		Second Given Name
0	Residence & Citizenship	City Potomac	State or Foreign Country Maryland		Country of Citizenship United States
3	Mailing Address	Address 10301 Sorrel Avenue	City Potomac		State & Zip Code/Country Maryland 20854 / United States
Sign	ature of Inventor 2	03: 1 00		Date:	-18-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kashmiri et al.

Application No. 09/830,748

Filed: April 30, 2001

For: VARIANTS OF HUMANIZED ANTI-

CARCINOMA MONOCLONAL

ANTIBODY CC49

Examiner: Not yet assigned

Date:

Art Unit: Not yet assigned

CERTIFICATE OF FACSIMILE TRANSMISSION

William D. Noonen, M.D. Attorney for Applicant

REVOCATION OF PRIOR POWER OF ATTORNEY AND NEW POWER OF ATTORNEY BY ASSIGNEE AND CERTIFICATE BY ASSIGNEE UNDER 37 CFR § 3.73

COMMISSIONER FOR PATENTS WASHINGTON D.C. 20231

Dear Sir:

THE GOVERNMENT OF THE UNITED STATES OF AMERICA, AS REPRESENTED BY THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, the Assignee of the entire right, title and interest in the above-identified patent application, by Assignment attached hereto, and recorded at Reel 010810, Frame 0055, recorded on July 25, 2000, hereby revokes all prior powers of attorney and instead appoints as its representatives to conduct all business in the Patent and Trademark Office connected therewith the attorneys and agents identified below:



Name	Reg. No.	Name	Reg. No.
James C. Haight	25.588	Jack Spiegel	34,477
Robert Benson	33,612	David R. Sadowski	32,808
Susan S. Rucker	35,762	Steve Ferguson	38,448
John Peter Kim	38,514	Richard U. Rodriguez	45,980
Supplied L. Finley	36,357 40,777	Marlene Shinn	46,005
Norhert Pontzer	40.777		·

all of the National Institutes of Health, Office of Technology Transfer, 6011 Executive, Boulevard, Suite #325, Rockville, MD 20852; and grants an Associate Power of Attorney to:

Name	Reg. No.	Name	Reg. No.
Richard J. Polley	28,107	Lisa M. Caldwell	41,693
William D. Noonan	30,878	Michael D. Jones	41,879
Donald L. Stephens Jr.	34,022	Tanya M. Harding	42,630
Stacoy C. Slater	36,011	Gregory L. Maurer	43,781



Susan Alpert Siegel Wayne W. Rupert 43,121 34,420 Robert F. Scotti Sheree L. Rybak

39,830 47,913

all of the law firm of Klarquist Sparkman, LLP, 121 SW Salmon Street, Suite 1600, Portland, Oregon 97204.

The Assignee certifies that the above-identified Assignment has been reviewed and to the best of Assignee's knowledge and belief, title is in the Assignee, as demonstrated by the copy of the Assignment submitted herewith.

Please address all correspondence to William D. Noonan, M.D. at:

KLARQUIST SPARKMAN, LLP One World Trade Center, Suite 1600 121 SW Salmon Street Portland, OR 97204-2988 Telephone: 503-226-7391-

Fax: 503-228-9446

The National Institutes of Health Office of Technology Transfer has been duly delegated responsibility for patent matters under the authority of the memorandum dated May 21, 1991, from Louis W. Sullivan, the Secretary of the Department of Health and Human Services, delegating the authority to the Heads of the Public Health Service Operating Divisions, as well as a memorandum dated October 9, 2001, from Mark L. Rohrbaugh, Ph.D., J.D., Acting Director, Office of Technology Transfer, National Institutes of Health, delegating authority to sign this Power of Attorney to the undersigned individual. The undersigned is therefore authorized to exercise such authority in this matter.

Executed on 12 - 11-01, at Rockville, Maryland.

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

Name: Richard U. Rodriguez Reg. No.: 45,000

Reg. No.: 45,980 National Institutes of Health

Office of Technology Transfer

6011 Executive Boulevard, Suite #325

Rockville, MD 20852

ASSIGNMENT

WHEREAS, we, Syed V.S. Kashmiri, residing at 11541 Brandy Hall Lane. Gaithersburg, Maryland 20878, Eduardo A. Padlan, residing at 4006 Simms Drive, Kensington, Maryland 20895, and Jeffrey Schlom, residing at 10301 Sorrel Avenue, Potomac, Maryland 20854, employees of the Department of Health and Human Services, have invented VARIANTS OF HUMANIZED ANTI-CARCINOMA MONOCLONAL ANTIBODY CC49 for which filed an international application, PCT-US99 25552, on October 29, 1999; designating the United States as one of the Designation of States, and

WHEREAS, we are applicants named in the above-mentioned application for Letters Patent; and

WHEREAS, the conditions under which said invention was made are such as to entitle the Government under Paragraph 1(a) of Executive Order 10096 to the entire right, title, and interest herein, both domestic and foreign, and

WHEREAS, the Government of the United States is desirous of acquiring all domestic and foreign right, title, and interest in the above-mentioned invention described in the application for Letters Patent; and

NOW. THEREFORE, for good and valuable consideration the receipt of which is hereby acknowledged, we hereby assign and transfer to the United States of America, represented by the Secretary, Department of Health and Human Services, the full and exclusive rights in and to said invention in the U.S. and within each and every foreign country in which the Government elects to file and the entire right, title, and interest in and to such applications, and any continuations, continuations-in-part, divisions, reissues or extensions thereof, and including priority rights as may be filed in the U.S. and foreign countries, and such Letters Patent as may be granted to be held by the Government to the end of the term for which the same would have been held by the inventors had this assignment not been made.

We-further agree to make, execute, and deliver to the Secretary, Department of Health and Human Services, upon request, any and all papers, documents, affidavits, or other instruments that may be necessary in the prosecution of any application or applications for improvements or reissues of Letters Patent, and to assist the Government in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by the Government.

(SEAL)

IN TESTIMONY WHEREOF	. I have hereunto set my hand this day of
Jan. 19 192000	 .
	Syed V.S. Kashmiri
COUNTY OF Monda Suite,	MY COMMISSION EXPIRES MARCH 1, 2003 MARGARET L TOMCZAK NOTARY PUBLIC
On this \(\siz\) day of \(\siz\) \(\mu_c\)	tite 49 de a before me personally appeared Syed V.S.
The state of the s	mb person described in and who executed the foregoing
instrument, and he duly acknowledged to me t	hat he executed the same for the uses and purposes
therein set forth.	
[SEAL]	Notary Public X. Torkeral
IN TESTIMONY WHEREOF	. I have hereunto set my hand this $\frac{18}{100}$ day of
Junery . # 2000.	
	Eduardo A. Padlan
STATE OF May land	
COUNTY OF Mentatinens) State of Mentatinens) On this 18th day of January	المريخ . عام المريخ . Before me personally appeared Eduardo
A. Padlan to me known and known to me to b	e the person described in and who executed the foregoing
	hat he executed the same for the uses and purposes
therein set forth.	

MY COMMISSION EXPIRES MARCH 1, 2003 MARGARET L. TOMOZAK NOTARY PUBLIC IN TESTIMONY WHEREOF. I have hereunto set my hand this 18 day of

Jettrev Schlom

STATE OF

COUNTY OF // Fire Carly

On this day of <u>Artificial</u>. So before me personally appeared Jeffrey Schlom to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

MY COLL SHOW EXPIRES
MARCH 1, 2003
MARGARET L. TOMCZAK
NOTARY PUBLIC

01/08/02 17:18 FAX 703 308 4785

USPTO/PCT OPEP THE THE THE TOTAL STATE OF THE COLUMN TO THE COLUMN THE COLUMN

RECEPTION OK

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UNITED STATES DÉPARTMENT OF COMMERCE Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 2023:

MAY 10, 2000

ABOVE.

MERCHANT & GOULD P.C.
RONALD A DAIGNAULT
3100 NORWEST CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-4131

PTAS



UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF NON-RECORDATION OF DOCUMENT

DOCUMENT ID NO.: 101291573

THE ENCLOSED DOCUMENT HAS BEEN EXAMINED AND FOUND NON-RECORDABLE BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. THE REASON(S) FOR NON-RECORDATION ARE STATED BELOW. DOCUMENTS BEING RESUBMITTED FOR RECORDATION MUST BE ACCOMPANIED BY A NEW COVER SHEET REFLECTING THE CORRECT INFORMATION TO BE RECORDED AND THE DOCUMENT ID NUMBER REFERENCED

THE ORIGINAL DATE OF FILING OF THIS ASSIGNMENT DOCUMENT WILL BE MAINTAINED IF RESUBMITTED WITH THE APPROPRIATE CORRECTION(S) WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE AS OUTLINED UNDER 37 CFR 3.51. THE RESUBMITTED DOCUMENT MUST INCLUDE A STAMP WITH THE OFFICIAL DATE OF RECEIPT UNDER 37 CFR 3. APPLICANTS MAY USE THE CERTIFIED PROCEDURES UNDER 37 CFR 1.8 OR 1.10 FOR RESUBMISSION OF THE RETURNED PAPERS, IF THEY DESIRE TO HAVE THE BENEFIT OF THE DATE OF DEPOSIT IN THE UNITED STATES POSTAL SERVICE.

SEND DOCUMENTS TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231. IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, YOU MAY CONTACT THE INDIVIDUAL WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.

1. THE COVER SHEET SUBMITTED DID NOT PROVIDE COMPLETE INFORMATION REQUIRED FOR RECORDING. THE RECEIVING PARTY'S ADDRESS WAS NOT INDICATED ON THE COVER SHEET.

TONYA LEE, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

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UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS

PTAS

Washington, D.C. 20231

.. - - -

JULY 25, 2000

MERCHANT & GOULD P.C. RONALD A. DAIGNAULT 3100 NORWEST CENTER 90 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-4131

> UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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RECORDATION DATE: 03/17/2000

REEL/FRAME: 010810/0055

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

KASHMIRI, SYED V.S.

DOC DATE: 01/18/2000

ASSIGNOR:

PADLAN, EDUARDO A.

DOC DATE: 01/18/2000

ASSIGNOR:

SCHLOM, JEFFREY

DOC DATE: 01/18/2000

ASSIGNEE:

HEALTH AND HUMAN SERVICES, UNITED STATES OF AMERICA, AS REPRESENTED BY THE SECRETARY 6011 EXECUTIVE BOULEVARD SUITE 325

ROCKVILLE, MARYLAND 20852

SERIAL NUMBER: PATENT NUMBER:

PCT NUMBER: US9925552

FILING DATE: ISSUE DATE:



010810/0055 PAGE 2

TARA WASHINGTON, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS



(Rev 6-4). ONH So million Lagge 4 94

05-30-2000

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	S. Kashmiri 5 A. Padlan Schlom	The Government of the United States of America, as represented by the Secretary, Department of Health and Human Services = 6011 Executive Boulevard, Fuite 325 Rockville, Maryland 208526
		2
3 Nature of	conveyance; attached 🗀 Ses 🖸 No.	Additional name 5. 2 addressies) anached () Ves (2) No.
Z2 Ass	gnment	me ,
Execution D	ate: January 18, 2000	
4. Applicati	on number(s) or patent number(s):	
If this do	cument is being filed towarbas with a pe	No. and Control of the Control of th
11 11/13 40	coment is nemy fried together with a ne	ew application, the execution date of the application is:
A. Patent A	oplication No.(\$)	B. Patent No.(s)
Internatio October :	onal Patent Application No. PCT US99 29, 1999	
5. Name an	d address of party to whom correspond	Additional numbers attached Dives O No ence concerning 6. Total number of applications and patents involved: 1
document sh	ould be mailed:	
Name;	Ronald A Daignault	7. Total fee (37 CFR 3.41): \$40.00 ☑ Enclosed
Address:	MERCHANT & GOULD P.C.	Authorized to be charged to deposit account
	3100 Norwest Center 90 South Seventh Street	
	Minneapolis, Minnesora 55402-4131	 Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725
		DO NOT USE THIS SPACE
9. Statemen	t and signature:	
To the be original o	ist of my knowledge and belief, the fore locument,	egoing information is true and correct and any attached copy is a true copy of the
Ronald A. D	aignault	Mall Saemay M February 14, 2000
Name of Per	son Signing	Signature/ Date
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